

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, Individually  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC. F/K/A,  
BIOPTIX, INC., JOHN O'ROURKE,  
and JEFFREY G. McGONEGAL,  
BARRY HONIG, CATHERINE  
DEFRANCESCO, MICHAEL  
BEEGHLEY, JOHN STETSON,  
MARK GROUSSMAN, ANDREW  
KAPLAN, MIKE DAI, JASON LES,  
and ERIC SO,

Defendants.

Civil No. 3:18-CV-02293 (FLW)(ZNQ)

**[PROPOSED] ORDER GRANTING  
DEFENDANTS' MOTION FOR  
LEAVE TO FILE A JOINT SUR-  
REPLY IN SUPPORT OF THEIR  
MOTIONS TO DISMISS THE  
CORRECTED CONSOLIDATED  
AMENDED CLASS ACTION  
COMPLAINT**

Defendants Riot Blockchain, Inc., John O'Rourke, Michael Beeghley, Jeffrey G. McGonegal, Andrew Kaplan, Jason Les, and Eric So's Motion for Leave to File a Joint Sur-Reply in Support of the Riot Blockchain Defendants and the Director Defendants' Motions to Dismiss the Corrected Consolidated Amended Class Action Complaint for Violations of the Federal Securities Laws was heard on March 16, 2020 in Room 5E of the above-captioned Court.

Having heard and considered all of the pleadings and records on file, and all papers in support of and in opposition to the Request, and good cause appearing therefore,

**IT IS HEREBY ORDERED THAT:**

1. The Defendants' Motion for Leave to File a Joint Sur-Reply is GRANTED. The Court grants the Defendants permission under Local Civil Rule 7.1(d)(6) to file a joint sur-reply brief of no more than 5-pages, in support of the Riot Blockchain Defendants and Director Defendants' Motions to Dismiss.
2. The Defendants will submit their Sur-Reply within \_\_\_\_ days of this Order.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

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Hon. Freda L. Wolfson